



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Frank Cutler

Defendant.

CASE NO. CR 08-1343

ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.

2. () an offense with maximum sentence of life imprisonment or death.

3. () a narcotics or controlled substance offense with maximum sentence of ten or more years .

4. () any felony - where the defendant has been convicted of two or more prior offenses described above.

5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18

U.S.C § 2250.

B. (X) On motion by the Government / () on Court's own motion, in a case

allegedly involving:

() On the further allegation by the Government of:

1. ~~(X)~~ a serious risk that the defendant will flee.

2. () a serious risk that the defendant will:

a. () obstruct or attempt to obstruct justice.

b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

C. The Government () is/ () is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community.

II.

A. ~~(X)~~ The Court finds that no condition or combination of conditions will reasonably assure:

1. ~~(X)~~ the appearance of the defendant as required.

() and/or

2. ~~(X)~~ the safety of any person or the community.

B. () The Court finds that the defendant has not rebutted by sufficient evidence to the contrary the presumption provided by statute.

III.

The Court has considered:

A. the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;

B. the weight of evidence against the defendant;

C. the history and characteristics of the defendant; and

D. the nature and seriousness of the danger to any person or to the community.

IV.

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V.

The Court bases the foregoing finding(s) on the following:

A. ☒ As to flight risk: _____
 Defendant previously escaped from a
 half way house, which resulted in a new
 criminal case, CR 05-785.

B. ☒ As to danger: _____ Def. is a recidivist who cannot
 seem to stop committing new fraudulent offenses.
 He is currently before the court on
 CR 00 915 + CR 05-785 - Violation
 + supervised release as well as the new crime
 (for which he pled guilty today) committed in CR 05-785.
 His fraudulent crimes stretch back well beyond these.
 + he is a danger to the community.

VI.

- A. ☐ The Court finds that a serious risk exists that the defendant will:
1. ☐ obstruct or attempt to obstruct justice.
 2. ☐ attempt to/ ☐ threaten, injure or intimidate a witness or juror.

1 B. The Court bases the foregoing finding(s) on the following: _____

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VII.

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A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

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DATED: 11/17/08

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Quay B. Collins
UNITED STATES MAGISTRATE JUDGE